

THE BEST NEWSPAPER

The Daily Capital Journal

THE LARGEST CIRCULATION

THIRTY-SIXTH YEAR.

SALEM, OREGON, SATURDAY, DECEMBER 13, 1913.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

PRISONERS OF WAR HANGED IN SIGHT OF SHIPS

Admiral Fletcher Protests in Vain Against Inhuman Practice of Both Federals and Rebels at Tampico--Story He Forced Suspension of Battle by Threatening to Fire on Combatants Is Fake--Fighting Is Still in Progress at Tampico--American Marines May Be Landed--British Negotiate With Carranza.

[UNITED PRESS LEARNED WIRE] Washington, Dec. 13.--Fighting was still in progress at Tampico today. The story that Admiral Fletcher had forced suspension of the battle by threatening to fire on the combatants proved a pure fake, started by interests inimical to President Wilson.

The rebels were trying to repair the railroad between Victoria and Tampico so as to bring up more artillery. The federals were making desperate efforts to reinforce the Tampico garrison.

Hang Prisoners of War. Federals and rebels alike hanged their prisoners of war in sight of the town and the ships off shore.

Admiral Fletcher protested vainly in humanity's name.

The Spanish minister at Washington notified Secretary of State Bryan that Spaniards in Chihuahua City are endangered and asked that they be protected.

Bryan warned Generals Carranza and Villa that they will be held personally responsible for the Spaniards' safety.

Make Situation Grave. The Tampico fighters' disregard of Fletcher's protest and the peril to Spaniards in Chihuahua City made the situation look grave.

It was feared Fletcher might yet have to land marines.

The danger existed that harm to the Spaniards in Chihuahua City might force American intervention in northern Mexico.

Fletcher ordered all Americans in Tampico on board the harbor shipping. He made the general statement that foreigners at Tampico were safe.

could not answer questions concerning individuals.

The transport Sumner left Galveston for Tampico with relief for refugees.

May Have Framed Deal. Did Major Martin Archer Shee, British member of parliament see General Carranza at Hermosillo yesterday to set some British interest right with an expected new regime? was a question much asked.

Carranza repudiated responsibility for the safety of W. S. Windham and J. M. Dunn, American prisoners in Tepic territory, as they are not in rebel hands but bandits'.

General Tellez, federal, reported capturing Gomez Palacio and Lerdo and confirmed reports of the capture of Torreon.

Never Received Message. Mexico City, Dec. 13.--Sir Lionel Carden, British minister in Mexico City, today gave the following exclusive interview to the United Press:

"The story that I received from Admiral Sir Christopher Craddock, British naval commander in Mexican waters, a wireless message saying Admiral Fletcher had stopped the fighting at Tampico last night is absolutely false.

"I received no such message. "The story is untrue in every particular."

From a semi-official diplomatic source it was learned that the story referred to by Sir Lionel was inspired and disseminated by interests inimical to President Wilson.

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Harris Admits He Has an Agreement With Union Here

State Printer Harris is charmingly frank. Friday The Capital Journal had a news story gathered at the state house in the regular routine round of the reporter. It was to the effect that the state printer had entered into a contract with the Allied Printing Trades Council of this city, agreeing to employ only printers and pressmen who are members of the typographical union, to pay the wage scale prescribed by it, and to abide by all rules and regulations formulated by it and the international union.

We also stated that Mr. Harris said this agreement could be revoked by him at any time by surrendering the union label, but pending its existence union rules and wages are in full force, and none but union men can be employed, and they must be members of the local union.

This, we thought, was a fair statement of the case. We think so yet, and we think so the more since Mr. Harris rushes into print in the morning paper to boldly confess that the denial he is making is not true, and that The Journal's statement is.

We have no quarrel with Mr. Harris, certainly none with the typographical union or any other, for we believe firmly in union labor, employ union labor and will not have any other kind so long as we can get union labor.

We printed the story simply as a mat-

ter of news, and stated that Mr. Harris had acted in defiance of the opinion of the attorney general, who held that the state printer cannot enter into a contract favoring any special class, that such act was unconstitutional and void. Mr. Harris admits he has entered into a contract by which, so long as he uses the union label he must employ only union labor, but says he can abrogate the contract at any time by surrendering the label. It will be seen from this that he admits every statement made by The Capital Journal as true, and why he should break into print to tell the public he was not telling that public the truth, is one of those things so fellow can explain.

Under usual circumstances we would pay no attention to the denial, and the nasty little fling he tries to make in concluding his confession is alone responsible for the fact that we do. The trouble with Mr. Harris seems to be that he is so dense that he does not understand that he admits The Capital Journal's statements are absolutely true.

So far as The Capital Journal is concerned it would like to see union labor have the preference in all lines, and its story about the state printing office was, as we have said, just an every-day news story, a statement of fact, and not an expression of opinion or belief--of commendation or condemnation.

HARRIS WILL BE CALLED ON TO EXPLAIN HIS DEFIANCE OF OPINION

All Members Say He Was Not Authorized to Take Any Such Action.

MAY MEAN BIG WAGES

Suggested That State Printer Planned to Boost the Salaries of Those Employed in Establishment.

When the state printing board holds its next meeting State Printer Harris will be asked to explain why he defied an opinion of Attorney-General Crawford, by entering into a contract last October with the Allied Printing Trades Council, of the city, for his printers and pressmen, and also be asked to explain why he failed to consult the board with relation to the subject, according to an announcement made by members of the board today.

All members of the board declare that Harris was not authorized by it to enter into the contract, and it was done without the board's sanction.

While Harris, immediately upon assuming the office of state printer, announced his intentions of entering into such a contract, it was generally believed that his ambition had been dampened by an opinion rendered by the attorney-general, that neither the board nor he had authority to do so, and his action in executing it comes as a general surprise. Why he should have been so determined on executing it, that he would override the attorney-general's opinion, and fail to consult the board, is a question which is being asked.

Suggestions are being made by some that the move probably contemplates the adoption of a state house scale increasing wages, for Harris has always been a strong advocate for an increase. Upon assuming charge of the office, he insisted that salaries be advanced \$4.50 a week, but the board refused to accede to his demands, and it is suggested that he possibly now hopes to attain this end by entering into the contract with the union, for, should it adopt a state house scale, he would either have to abide by it or rescind the contract, and, after ignoring the opinion of the attorney-general, and failing to consult the wishes of the board in executing it, he would likely not rescind it, it is declared.

PROMOTERS GUILTY. [UNITED PRESS LEARNED WIRE] Portland, Or., Dec. 13.--A verdict of guilty was returned today by a jury in the federal court here in the case of J. T. Conway and Frank Bichet, general manager and president, respectively, of the Oregon Inland Development company, on charges of having misused the United States mails in the exploitation of lands in Central and Eastern Oregon. They were convicted on all five counts in the indictment, which was returned in March, 1912. A recommendation for leniency was made to Judge Bean, but no reason for this was given.

LAKE SHORE TRAIN IS WRECKED IN ATTEMPT TO KILL ROAD'S HEAD

Smith's Car Fails to Leave the Rails, But Others Jump Track Into Ditch.

FIREMAN LOSES HIS LIFE

Offer of \$1000 Reward Made by Company for Arrest and Conviction of Unknown Miscreants.

[UNITED PRESS LEARNED WIRE] Cleveland, Ohio, Dec. 13.--The Lake shore railroad today offered \$1000 reward for the men who wrecked the New England express near Wickliffe at midnight, resulting in the fireman's death, and the serious injury of the engineer.

The train was derailed deliberately, railroad men said was certain. Seventeen spikes had been pulled and a rail displaced. Nearby was found a bag of tools with which the wrecking was evidently done. Four men were seen running away just after the disaster.

The locomotive rolled over, and four mail cars, a combination coach and three Pullmans left the tracks, but steel construction saved their occupants.

Officials of the Lake Shore line think the wreck was planned in the hope of killing Andrew B. Smith, president of the New York Central railroad. Smith occupied a private car attached to the rear of the train, but it was not derailed.

Smith rushed from his car and saw four men running from the scene. "Are you all in the ditch?" one of the men asked Smith.

INDEPENDENCE HIGH SCHOOL DEFEATS CAPITAL BUSINESS

The Independence high school defeated the Capital Business College by a score of 21 to 14 in a fast and exciting game of basketball, played on the Independence floor Thursday night.

Martin and Gueffroy did the scoring for the Business college, Martin throwing five out of seven fouls.

The high ceiling, and rough floor, which the college boys were not used to, caused their defeat.

Mr. Wiest refereed the game, and gave entire satisfaction on both sides.

When the return game is played on the Y. M. C. A. floor the score will probably be different.

The Weather. The Dickey Bird says: Oregon cloudy tonight and Sunday with probably rain, southerly winds.

SHIFT BOSS CLAIMS HE TALKED WITH LOPEZ ON TWO RECENT OCCASIONS

Declares Mexican Murderer Said He Would Die Fighting in Utah Mine.

HE AVOIDS MUCH KILLING

Lopez Will Not Slay Whole Party Unless It Becomes Absolutely Necessary, He Says.

[UNITED PRESS LEARNED WIRE] Salt Lake City, Utah, Dec. 13.--Shift Boss Sam Rogers, of the Utah-Apex mine, near Bingham, told Sheriff Smith today that he saw and talked to Ralph Lopez Thursday and Friday, and had an appointment to see him again some time today.

The Mexican murderer realized, said Rogers, that he would never come out of the mine alive, but he meant to die fighting. During the posse's hunts for him in the workings Lopez had frequent chances, the shift boss quoted him as saying, to wipe out whole parties at a time, but he did not care to kill, unless it became necessary.

He made exceptions, however, of Julio Corrello and Michael Stefano, former friends, whom he blamed for leading the officers to his hiding place. These, Rogers said, Lopez was anxious to add to his present list of six victims before he himself died.

SAYS SALEM IS DRY AND IT WILL STAY DRY DESPITE DECISION

"Insofar as myself and the council are concerned, Salem is dry and will remain dry," said Mayor Steeves today in speaking of the decisions rendered by Judge Galloway. "The decisions of the court do not cut any ice in this matter as I can see." When asked what the council would do in regard to issuing licenses to the saloons and the Salem brewery, Mayor Steeves declared that inasmuch as the town is dry no licenses would be issued. Officials of the Salem brewery this afternoon declared that they could not operate their plant unless given permission by the council, notwithstanding Judge Galloway's decision that the elections recently held are unconstitutional.

APPLE TREE IN BLOOM

Mr. J. H. Bigham, from near Hope-well, is in the city, and reports an apple tree on his place as having mistaken the season for spring, and so burst into full bloom.

BOTH ELECTIONS HELD INVALID AND PERMANENT INJUNCTIONS ORDERED

Judge Galloway Finds Petition for November 4 Dry Election Was Insufficient and Election Was Held on Wrong Date--Dry Election of December 1 Illegal for Reason Over 1400 Voters Were Disqualified and Election Was Not Called on Legal Date--Stayton Dry Election Also Knocked Out--Notice of Appeal in All Three Cases.

Holding that the initiative petition praying for the calling of a local option election on November 4, this year, failed to contain a requisite number of signatures of registered voters to render it legal; that one-third of the people voting at the city election held on December 1 had no right to take part in that election by reason of being unqualified, and that the Stayton local option election on November 4 was an unfortunate and bunglesome affair because even the judges of the election were unable to determine the town boundaries, Judge Galloway this morning rendered decisions in the three cases declaring the elections illegal and void. The dry forces had a majority in the three elections.

Before passing upon the respective injunction suits, Judge Galloway said: "In passing upon these city cases, that are so unduly agitating our people, the court cannot too strongly deprecate the prevailing mania for over-recurring elections only to distract the people and paralyze the industries and business of the city.

"This initiative case is not caused, as many claim, by the recent duplication of our voting population, for prior to woman suffrage we were called upon repeatedly to vote upon contested county boundary line and county seat controversies. But recently the people of the whole state were called upon to vote down an initiative measure to deplete the state treasury of \$25,000 for a valueless and unused toll road, and how often have the people been called upon to vote whether or not the residents of 'Podunk Hollow' or 'Poa Vine Ridge' should allow their hogs to run at large on the public road. From a perusal of the metropolitan press one would infer that our big sister down the river is likewise afflicted by the initiative craze, and that the good people of Portland are regularly called upon to vote upon initiative measures more erratic than even the fertile brain of the great legislator at the Falls of the Willamette conceived. Today an initiative measure is up to vote upon a million dollar bond issue, tomorrow, perhaps, upon a measure to regulate the width and degree of transparency of a woman's skirt.

Calls Them Over-Zealous. "In this city an over-zealous and worthy citizenship not content to wait until next November when the regular election occurs to vote upon prohibition under the local option law or to amend the city charter of Salem so as to hold the city election on the first Tuesday after the first Monday in November when there would be no question of the legality of the election, they call a local option election for November in an off year, which if held legal would require prohibition on the first of January following giving the liquor dealers, as the law provides, two months to adjust their business. Not content, however, with this very reasonable provision of the local option law, they call another election in less than one month to vote upon the same proposition of prohibition in the city of Salem, seeking to attain the same end as set out in the former election; certainly with no other motive than to close the saloon doors instantly.

"One loves to behold perennial flowers, perennial sunshine and showers, but I do feel that this affliction of perennial election is a nuisance and should be abated." Upon the question of registration raised by counsel for the plaintiffs in the two Salem cases hinged the two decisions rendered by Judge Galloway. But one other point was raised this morning when the court decided for the plaintiffs. Judge Galloway sustained the plaintiff's contention that the November election was held illegal on the grounds that the petition calling the

election failed to contain 10 per cent of the signatures of the people casting the vote for justice of the supreme court at the last state election. The court held that there should have been 253 signatures on the petition, when there but 163.

The other point passed upon by Judge Galloway was in reference to the date upon which the local option was held. He held that the issue should have been decided at a regular city election held on the first Tuesday after the first Monday in November. These were two fatal errors made in calling the election, declared the court, and the complaint for an order for a permanent injunction was granted.

Infringes on Constitution. In passing upon the case of the Salem Brewery Association against the city of Salem, Judge Galloway held that no municipality has the legal authority under the constitution of the state to amend its charter or so arrange it for the purpose of regulating the liquor traffic in direct discordance with the original laws of Oregon. He declared that the city of Salem, in passing the ordinance delegating authority for the calling of the December 1 election for the purpose of regulating the liquor traffic in the city, transgressed upon the power of the constitution for the reason two of the amendments voted upon at the election were subject to the provisions laid down in the local option and criminal laws of the state and should have been voted upon in a manner specified by the local option law.

Council at Fault. That the city council is at fault by so calling the election on the amendments on a date clearly prohibited by the criminal laws of the state was the opinion of the court. He held that, in the same manner as regular local option elections are held, the charter amendment election should have been held at a regular city election on the first Tuesday after the first Monday in November.

Further, held the court, the city council of Salem had no legal authority to attempt to legalize the Gill registration law after it had been rendered void by a decision of the supreme court. There were 1458 votes cast at the December election which Judge Galloway held were illegal and should never have been cast on the grounds the person casting the ballots were not duly registered voters, either in the city, county or state. In other words, contended Judge Galloway, one-third of the votes cast were those of persons qualifying themselves merely by possessing a certificate of registration issued by the county clerk under the unconstitutional Gill act.

Judge Galloway held that the city council, in passing the ordinance authorizing persons holding the certificates to cast their votes at the December election, took action without the proper authority and that no person has a legal right to vote in this state without first being registered or voting under "Blank A."

A permanent injunction restraining the city from enforcing the two amendments to the charter was ordered by the court.

Stayton Election Blocked. "Before passing upon the local option case of Smith and Schott vs. the county court in which the plaintiffs are seeking to restrain the declaring of the election held in Stayton November 4, the court would say that this election is a very unfortunate and bunglesome affair, even more so than those just passed upon," said Judge Galloway.

The court contended that inasmuch as even the judges of the election held in Stayton did not know the precinct boundaries of the town; that there was no definite way of ascertaining who

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Over Score of Homes are Started or Plans Completed in Past Week

Despite the fact that winter is now at hand and the regular building season has been considered a thing of the past for a number of months, Salem continues to make a good showing in residence construction. In all parts of the city activity in home-building is to be noted. Within the past week nearly 25 homes have been either started or plans completed. Permits for these buildings were taken out several months ago, but actual construction was not commenced until very recently.

During the past two weeks a number of beautiful homes have been completed along the northern limits of the city, while in East Salem and Yew Park there are about eight new homes near completion.

Lots Are Going. According to local real estate dealers

building lots have been selling in quite large number of late. There seems to be an unusual influx of eastern home-seekers now, and although many of the sales during the last week or so have been confined to the more sparsely settled portion of the city, some fine homes are assured by this time next year, or at such time when the weather will permit their construction.

With the exception of one or two old shacks still standing in the business district of Salem, the unfavorable effects of these exorcises are being gradually eliminated. The latest activity along this line commenced when C. D. Purvine tore down two old buildings at the corner of State and Front streets, and erected in their stead a fine two-story brick building. R. R. Ryan has also knocked down the old shacks on his

property on South Commercial street, which have been a menace to that part of the city for years, and is now putting up a combination brick and wood building.

Farmers Busy. The city folks are not alone when it comes to being busy. All around the city limits farmers are tilling the soil and placing their respective places in condition for the winter. The weather has been just right for plowing, and, as will be attested by a trip through the country, pastures are literally smothered with grass.

Dairymen making Salem their main point of delivery, report that very little milk feed is required to keep their cattle in the "pink of condition" now, and that if the present spring-like weather keeps up they will not be compelled to touch their hay supplies at all.